



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

Robert L. Morgan
State Engineer

Southwestern Area
585 North Main Street
P.O. Box 506
Cedar City, Utah 84721-0506
801-586-4231

24 April 1996

Mr. Howard Marshall
P.O. Box 232
MINERSVILLE UT 84752

RE: LIMITATIONS ON WATER RIGHT 71-3616 ON MILFORD FLAT

Mr. Marshall:

It has been reported to this office that you appear to be making preparations to begin irrigation for your well under the referenced water right. It is reported that you have connected a pipeline to the well and extended this line to an irrigation riser line. Further, we are told that a parcel of land adjacent to the riser line has been prepared for cultivation of a crop.

While we have not had the opportunity to verify whether these reports are true, we believe that you should be advised that, according to our records, your only water right is the one listed above. That right is limited to the domestic use of one single-family residence and the stockwatering of 20 head of cattle or equivalent livestock. There is no irrigation authorized under that water right or from your well listed for that right.

If you wish to irrigate from your well, it will be necessary for you to acquire an appropriate water right and to transfer said right to your well and your land by either temporary or permanent change application. If you undertake to divert water from your well for irrigation purposes without right, you will be in direct violation of State statutes and will be subject to prosecution. Therefore, you are advised that further expenditures for pipelines or other irrigation equipment without assurance of a water right will place those expenditures at risk.

You may contact this office if you have any questions or wish to properly advise us of your actions or intentions.

Sincerely,


Kerry Carpenter, P.E.
Regional Engineer

KEC:k

pc: Larry Maycock, Distribution Commissioner / Keith James, Chairman, Water Users' Committee
Lee Sim, Assistant State Engineer - Distribution

EXHIBIT

2